

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LAFAYETTE STONE,

Petitioner,

vs.

No. CV 16-01297 KG/LF

CITY OF ALBUQUERQUE, et al.,

Respondents.

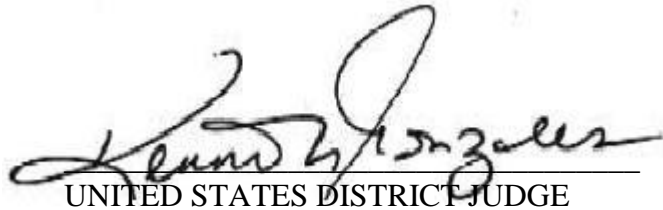
FINAL ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER is before the Court under Fed. R. Civ. P. 41(b) on the failure of Petitioner Lafayette Stone to respond to the Court's Order to Show Cause filed May 23, 2017 (Doc. 6). In the Order the Court noted that certain mailings to Petitioner have been returned as undelivered (*see* Doc. 5, 7). The Order stated that "[i]t appears that Petitioner has been transferred or released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6, thus severing contact with the Court." (Doc. 6). The Order to Show Cause ordered Petitioner to notify the Clerk in writing of his current address or otherwise show cause why this action should not be dismissed no later than twenty one days after entry of the Order. (Doc. 6). The Court advised Petitioner that failure to comply with the Order may result in dismissal without further notice. (Doc. 6).

Petitioner has failed to notify the Clerk in writing of his current address, show cause why the action should not be dismissed, or otherwise respond to the Court's Order to Show Cause. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d

1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order.

IT IS THEREFORE ORDERED that the Notice of Claim, which the Court has construed as a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, filed by Petitioner Lafayette Stone on November 23, 2016 (Doc. 1) is **DISMISSED** without prejudice.



UNITED STATES DISTRICT JUDGE